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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 YAT MING WU,

11 Plaintiff,

12 v.

13 COUNTRYWIDE HOME LOAN, *et al.*,

14 Defendants.
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Case No. 2:12-CV-00160-KJD-VCF

ORDER

16 Plaintiff's Complaint was filed on January 31, 2012. On April 25, 2012, Plaintiff filed an
17 amended complaint. Federal Rule of Civil Procedure 4(m) requires service of summons and
18 complaint to be made upon a defendant 120 days after the filing of the complaint. The 120 day time
19 period for effecting service of the summons and complaint upon Defendants expired no later than
20 August 23, 2012.

21 On May 14, 2012, Plaintiff filed Affidavit of Service (#14) attempting to show service of the
22 summons and complaint. However, the forms reveal that even if service was attempted it was
23 executed by Plaintiff himself. Federal Rule of Civil Procedure 4(c)(2) requires that a person, not a
24 party to the case or action, serve the summons and complaint. Therefore, proof of service in
25 compliance with Rule 4 has not been filed. Any proof of service filed must demonstrate that a party
26 other than Plaintiff served the **summons and complaint**.

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall have up to and including
2 September 14, 2012 to file proof of service of the summons and complaint within the allowed time.
3 Plaintiff must also show that the form of service executed by Plaintiff is expressly allowed by the
4 Federal Rules of Civil Procedure. If Plaintiff fails to respond or to file proof of service, the Court will
5 dismiss the complaint without prejudice in accordance with Federal Rule of Civil Procedure 4(m).

6 **IT IS SO ORDERED.**

7 DATED this 27th day of August 2012.

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Kent J. Dawson
United States District Judge
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